

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROQUE ALVAREZ, GONZALO GARCIA
TORIBIO, ROLANDO PONCIANO, and
LUCIANO PONCIANO,

Plaintiffs,

-against-

B10 LLC, GEORGE DELLIS, GEORGE
TZANIDIKIS, and GEORGE RODAS,

Defendants.

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ERIC KOMITEE, United States District Judge:

On March 7, 2019, Plaintiffs brought this action against their former employers alleging violations of the Fair Labor Standards Act and New York Labor Law. Dkt. No. 1. Judge Gold referred the case to court-annexed mediation, Dkt. No. 18, at which the parties reached a settlement for \$120,000, Dkt. No. 21. On February 24, 2020, Plaintiffs filed a letter motion requesting court approval of the parties' settlement agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). Dkt. No. 21. Plaintiffs supplemented this submission with a letter indicating counsel's lodestar. Dkt. No. 22. On March 3, 2020, Magistrate Judge Steven Gold issued a Report and Recommendation in which he recommended that I approve the settlement. Dkt. No. 24. The parties were to file any objections to the Report and Recommendation by March 17, 2020; no objections were filed.

ORDER ADOPTING
REPORT AND RECOMMENDATION
19-CV-1333 (EK) (SMG)

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a party submits a timely objection, the district court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3). The Court reviews for clear error a report and recommendation to which no objection was made. *Colvin v. Berryhill*, 734 F. App'x 756, 758 (2d Cir. 2018) (citing Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment).

I have reviewed Judge Gold's Report and Recommendation, the settlement agreement, Plaintiffs' letter, and the record, and find that the settlement is fair and reasonable. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). I therefore adopt Judge Gold's Report and Recommendation.

The motion to approve the settlement agreement is GRANTED.
The Clerk of the Court is respectfully directed to close the
case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: Brooklyn, New York
April 10, 2020